



REMARKS

The claims remaining in the present application are Claims 1-32. Claims 22-32 have been added. No new matter has been added as a result of these amendments.

35 U.S.C. §102

Claims 1 – 21 are rejected under 35 U.S.C. §102(e) as being anticipated by Cmelik et al., U.S. Patent No. 6,031,992 (hereinafter, Cmelik). The rejection is respectfully traversed.

Claims 1 and 13

Claim 1 recites, in part:

reordering a sequence of instructions to run as fast as possible even though the reordered sequence may generate an exception;

Claim 13 recites, in part:

means for reordering a sequence of instructions to run as fast as possible even though the reordered sequence may generate an exception;

Claim 1 recites that the sequence of instructions is reordered to run as fast as possible. The instructions are reordered to run as fast as possible by reordering them at will, without concern for dependencies. Referring to Figure 6 of the application, some instructions are reordered at will. As is clear from Figure 6 and the accompanying discussion, dependencies are not taken into consideration when reordering at will. For example, the Specification at page 12, line 18

discloses that instructions that probably have no dependencies are treated as though they in fact have no dependencies and are reordered in a manner to provide the fastest possible execution. Moreover, Figure 6 illustrates cases of reordering at will not only when there are no known dependencies, but also when the probability is between known dependencies and no known dependencies. Thus, even though the reordered sequence may generate an exception, the reordering is done such that the instructions may run as fast as possible.

Cmelik does not disclose reordering a sequence of instructions to run as fast as possible even though the reordered sequence may generate an exception as claimed herein. Cmelik discloses reordering instructions and optimizing (col. 12, lines 3-13). However, Applicants do not understand Cmelik to disclose or suggest reordering to run as fast as possible even though the reordered sequence may generate an exception.

To support the rejection to the language "even though the reordered sequence may generate an exception," the Examiner refers to Cmelik col. 15, lines 1-9, which discloses that there is no provision for dependency checking. However, this passage is referring only to the hardware portion of the morph host. Referring to Figure 2, this is the enhanced hardware 12. However, even if there is no circuitry in this hardware to detect dependencies, this may be provided for elsewhere (e.g., the software or code morphing 11). Applicants also note that the cited passage also states that the hardware 12 has no circuitry for reordering, optimizing, or rescheduling. However, it is clear from Cmelik that these functions happen somewhere. Thus, it cannot be concluded from this passage of Cmelik whether

dependency checking is performed or not. All that is disclosed in the cited passage is that dependency checking is not done in the hardware 12.

For the foregoing rationale, it is respectfully submitted that Claim 1 is not anticipated by Cmelik. As such, allowance of Claim 1 is respectfully submitted. Claim 13 recites similar limitations. As such, allowance of Claim 13 is respectfully submitted.

Claims 30-32 have been added and have Claim 1 as a base claim. Support for these Claims may be found in Figure 6 and the accompanying discussion in the Specification. Claims 2-12, 14-21 and 30-32 depend from Claim 1 and 13, which are respectfully believed to be allowable. As such, allowance of Claims 2-12, 14-21 and 30-32 is earnestly solicited.

Claims 22-29

Claims 22-29 have been also added. Support for these Claims may be found in Figure 6 and the accompanying discussion in the Specification. It is respectfully submitted that Claims 22-29 present allowable subject matter. As such, allowance of Claims 22-29 is respectfully submitted.

CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected Claims is requested. Based on the arguments and amendments presented

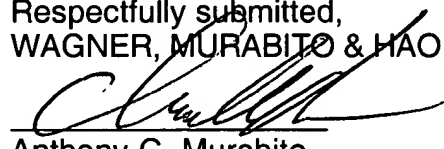
above, it is respectfully submitted that Claims 1-32 overcome the rejections of record and, therefore, allowance of Claims 1-32 is earnestly solicited.



Should the Examiner have a question regarding the instant response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Dated: 12/6, 2002

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DEC. 13 2002

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